



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,738	11/04/2003	Brian Pope	MDX-297	4966
26875	7590	04/24/2012	EXAMINER	
WOOD, HERRON & EVANS, LLP			GILBERT, ANDREW M	
2700 CAREW TOWER			ART UNIT	PAPER NUMBER
441 VINE STREET			3767	
CINCINNATI, OH 45202				

MAIL DATE	DELIVERY MODE
04/24/2012	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address : COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10/700,738	04 November, 2003	POPE ET AL.	MDX-297

WOOD, HERRON & EVANS, LLP 2700 CAREW TOWER 441 VINE STREET CINCINNATI, OH 45202		EXAMINER	
		ANDREW GILBERT	
ART UNIT	PAPER		
3767	20120419		

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

The information disclosure statement (IDS) submitted on 10/6/2009 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Accordingly, the IDS filed on 10/6/2009 has been attached to this PTO-90C communication.

In the Notice of Allowance mailed on 1/23/2012 the examiner noted that the IDS filed on 10/6/2009 had three references that failed to comply with 37 CFR 1.98(a)(2), which required a legible copy of each foreign patent document. However, upon further review, 37 CFR 1.98(c) states "When the disclosures of two or more patents or publications listed in an information disclosure statement are substantively cumulative, a copy of one of the patents or publications as specified in paragraph (a) of this section may be submitted without copies of the other patents or publications, provided that it is stated that these other patents or publications are cumulative." 37 CFR 1.98(c), since it does not specify U.S. patents only, has been interpreted to include foreign patent documents and allow submission of the foreign patent documents without copies, provided that it is stated that these other patents or publications are cumulative.

In the Remarks accompanying the "Sixth Supplemental Information Disclosure Statement" dated 10/6/2009, the applicant properly stated that these three foreign patent documents were cumulative to their U.S. patent document counter-part. Accordingly, the three references have been considered.

/KEVIN C. SIRMONS/
Supervisory Patent Examiner, Art Unit 3767

/Andrew M. Gilbert/
Examiner, Art Unit 3767